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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins CO 80527-2400

In re Application of:
Robert SESEK, et al.
Application Serial No.: 09/938,893
Filed: August 24, 2001
For: **OPTICAL SCANNING DEVICE HAVING
SELECTABLE IDENTIFIABLE SCAN WINDOW**

DECISION
ON PETITION
REQUESTING REFUND

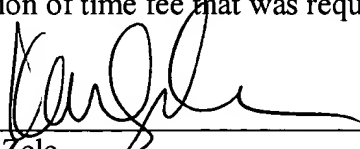
This is a decision on the petition under 37 CFR 1.181 filed June 27, 2006 to request a refund of fees paid for extension of time filed with the RCE (Request for Continued Examination).

Petitioner asserts that the charge for a two (2) month extension of time fee for timely filing of the RCE was not appropriate given that the examiner checked the wrong box on the Advisory Action. Petitioner requests a refund to Deposit Account No. 08-2025 in the amount of money equal to the difference between the 2 month extension of time fee that was charged to the deposit account and the 1 month extension of time that should have been charged.

A review of the file history finds a Final Office action was mailed January 30, 2006 and a response to the Final Office action was filed on March 27, 2006. It is also noted that the examiner checked box 1. a) on the Advisory Action mailed June 1, 2006; therefore, improperly advising applicant that the time period for response expired 3 months from the mailing date of the Final. Since applicant's first response to the Final rejection was filed within 2 months of the mailing date of the Final, the examiner should have checked box 1. b) on the Advisory action mailed on June 1, 2006; to advise applicant that the period for reply expired on the date of mailing of the Advisory Action (which is later than the date set forth in the Final action). Accordingly, only a 1 month extension of time was required with the filing of the RCE on June 9, 2006.

The Petition is **GRANTED**.

The application file is being forwarded to Technology Center 2600 support staff for refunding \$330 (the difference between the 2 month extension of time fee that was paid and the 1 month extension of time fee that was required) to Deposit Account No. 08-2025, as requested.



Krista Zele
Special Program Examiner
Technology Center 2600
Communications